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1940 DUKE STREET ALEXANDRIA, VA 22314		NGUYEN, ALLEN H		
			ART UNIT	PAPER NUMBER
			2625	
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# Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.	Applicant(s)			
	10/723,603	KOBAYASHI, AYAKO			
Office Action Summary	Examiner	Art Unit			
	ALLEN H. NGUYEN	2625			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period v  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	l. lely filed the mailing date of this communication. (35 U.S.C. § 133).			
Status					
Responsive to communication(s) filed on <u>30 A</u> <sub>I</sub> This action is <b>FINAL</b> . 2b) ☑ This      Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro				
Disposition of Claims					
4)  Claim(s) 1-24 is/are pending in the application.  4a) Of the above claim(s) 25-68 is/are withdraw  5)  Claim(s) is/are allowed.  6)  Claim(s) 1-24 is/are rejected.  7)  Claim(s) is/are objected to.  8)  Claim(s) are subject to restriction and/or  Application Papers  9)  The specification is objected to by the Examine  10)  The drawing(s) filed on 26 November 2003 is/a  Applicant may not request that any objection to the or  Replacement drawing sheet(s) including the correction.	r election requirement.  r.  re: a)⊠ accepted or b)□ objected or by objected or	e37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
,—					
Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☑ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date See attached.	4)  Interview Summary Paper No(s)/Mail Da 5)  Notice of Informal P 6)  Other:	te			

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### **DETAILED ACTION**

### Election/Restrictions

1. Claims 25-68 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 04/30/2008.

- 2. Applicant's election with traverse of the restriction in the reply filed on 04/30/2008 is acknowledged. The traversal is on the ground(s) that there is no serious burden on the examiner for examining all species. This is not found persuasive because 1) it requires different search query for different invention.
- 2) The prior art used for rejecting the elected species cannot be used to reject the non-elected species. The examiner requires further search to determine whether there are other prior art directed to the non-elected species.

The requirement is still deemed proper and is therefore made FINAL.

# **Priority**

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

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#### Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 02/26/2004, 03/31/2004, 08/27/04, 10/12/2004, 07/20/2005, 05/22/2006 and 04/30/2008 have been considered by the examiner.

## Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 23-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 23-24 are drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

"Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized."

Claims 23-24, while defining a program (whatever is claimed; e.g., a computer program, an algorithm, a medium, a program providing medium, a memory, etc.), does not define a "computer-readable medium" and is thus non-statutory for that reasons. A program (whatever is claimed; e.g., a computer program, an algorithm, a medium, a program providing medium, a memory, etc.)

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can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" in order to make the claim statutory.

"In contrast, a claimed computer-readable medium encoded with the data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." - MPEP 2106.IV.B.1(a)

## Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 8. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Takeo et al. (US 7,126,707).

Regarding claim 1, Takeo '707 discloses an image forming apparatus (Peripheral device, fig. 1), comprising:

a hardware resource (Hardware resources 26-30, fig. 2);

a program (A program controlling the controller 1 shown in fig. 1, col. 4, lines 35-40);

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an examining unit (Controller 1, fig. 1) that examines said hardware resource (a controller 1 for controlling peripheral devices is provided with hardware resources, col. 4, lines 4-5, fig. 2);

a configuration unit (Fig. 2) in which a relation between said examining unit and said program is configured (The detailed configuration of hardware resources for a controller, fig. 2);

an activating unit (The process shown in FIG. 8 is executed when the user activates the driver software, col. 7, lines 35-45) that activates said program having the relation with said examining unit based on the examination of said hardware resource (i.e., the process shown in fig. 8 is executed when the user activates the driver software, wishing to execute printing; Col. 7, lines 35-45).

Regarding claim 2, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said configuration unit (Fig. 2) configures a one-to-one relation between said examining unit and said program (i.e., a scanner engine 3 is controlled by the controller 1; Col. 4, line 11, fig. 1).

Regarding claim 3, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said configuration unit (Fig. 2) configures a one-to-"n" (n: an integer more than 1) relation between said examining unit and a plurality of said programs (i.e., a view showing a memory map of a memory medium storing various data processing programs readable by a print system in which a print control apparatus is adaptable; Col. 25, lines 60-65, fig. 17).

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Regarding claim 4, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said configuration unit (Fig. 2) configures an "n"-to-one (n: an integer more than 1) relation between a plurality of said examining units and said program (i.e., a facsimile reception job and a facsimile transmission job are processed by the controller 1 by selecting and controlling the printer engine 4, the scanner engine 3 and the facsimile board 5; Col. 4, lines 25-30).

Regarding claim 5, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), further comprising:

a storage unit in which the result of the examination is stored (i.e., a view showing an example of "modes (job storage) designatable as job assignment start command" attribute held by the peripheral device; Col. 16, lines 1-5, fig. 24); wherein

said examining unit determines whether the result of the examination that said examining unit is to perform is stored in said storage unit (i.e., a view showing "list of designatable file storage locations" attribute held by the peripheral device; Fig. 27), and uses, if the result of the examination that said examining unit is to perform is stored in said storage unit (i.e., a view showing "list of designatable default file storage locations" attribute held by the peripheral device; Fig. 28), the stored result of the examination (a "mode (execution quarantee) of the job assignment start command" shown in FIG. 25).

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Regarding claim 6, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said activating unit (Driver software, see Abstract / Fig. 8) activates said examining unit in compliance with the relation configured in said configuration unit (i.e., a process flow for an execution guarantee job. This process flow is executed by the controller of the peripheral device, and, at the activation thereof, discriminates whether a job designated for execution guarantee remains unexecuted, and, if such unexecuted job is present, executes such job; Col. 22, lines 8-13, fig. 33).

Regarding claim 7, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said activating unit (Driver software, fig. 8), after activating said program (i.e., the attribute A can be acquired by the driver software, and, if acquisition is possible, the sequence proceeds to a step 86, but, if otherwise, the sequence is terminated; Col. 7, lines 15-20, fig. 8), terminates said examining unit (i.e., a step 86 requests the acquisition of the value of the attribute A to the peripheral device and acquires such value of the attribute A, whereupon the sequence is terminated; Col. 7, lines 25-30, fig. 8).

Regarding claim 8, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said examining unit (Controller 1, fig. 1) determines whether said hardware resource exists (i.e., enable the information processing apparatus to designate, by a control command, the start mode

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selected by the user, such as a mode for starting the job processing after a start command or a mode for starting the job processing after a password entry, to the peripheral device; Col. 2, lines 10-15), and outputs, in response to a positive determination, a normal value and outputs (i.e., Normal Execution 2301 designatable as job assignment start command attribute held by the peripheral device; Fig. 23), in response to a negative determination (Interrupt Execution 2302, fig. 23), an abnormal value as the result of the examination (i.e., an attribute value "interruption execution" 2602 indicates the execution of the job by interruption; Col. 18, lines 32-33, fig. 26).

Regarding claim 9, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said examining unit (Controller 1, fig. 1) determines, if a device driver (The driver software inquiring the attribute information to the peripheral device, fig. 8) corresponding to said hardware resource can be successfully opened or is already opened (i.e., the driver software can set the attribute value at the job assignment (whether setting is possible 62), whether the driver software can change the attribute value for the already assigned job (whether change is possible 63), and whether the driver software can acquire the attribute value for the assigned job (whether acquiring is possible 64); Col. 6, lines 36-41, fig. 6), that said hardware resource exists, and determines that said hardware resource does not exist otherwise (i.e., the driver software is contained in the "attribute list supported by the job" acquired in the step 81, and, if such attribute A indicating a

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function is contained, the sequence proceeds to a step 83, but, if otherwise, the sequence proceeds to a step 85; Col. 7, lines 8-13, fig. 8).

Regarding claim 10, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein,

in response to receipt of the normal value output by said examining unit in the determination as to whether said hardware resource exists that operates partially or entirely (i.e., a facsimile reception job and a facsimile transmission job are processed by the controller 1 by selecting and controlling the printer engine 4, the scanner engine 3 and the facsimile board 5; Col. 4, lines 25-30, fig. 1) as one of a printer, a copier, a facsimile machine, and a scanner, said activating unit activates said program corresponding to the one of the printer, the copier, the facsimile machine, and the scanner (i.e., a setting image for the "job process start mode" and a selecting image for the printer; Col. 14, lines 64-66, fig. 19).

Regarding claim 11, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said examining unit determines whether said hardware resource exists, and outputs, in response to a negative determination, a normal value and outputs (i.e., an attribute value "execution without guarantee" 2502; Col. 17, lines 65-67 and Col. 18, lines 1-5, fig. 25), in response to a positive determination, an abnormal value as the result of the examination (i.e., an attribute value "execution with guarantee" 2501 indicates that the execution of

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the job is guaranteed. Thus, it indicates that, after the transmission of a command group instructing the job process to the peripheral device, if the peripheral device becomes incapable of the job process by a certain trouble (for example power supply breakdown in the peripheral device), the execution of the job is guaranteed after the trouble is resolved; Col. 18, lines 7-15, fig. 25).

Regarding claim 12, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

in response to receipt of the normal value output by said examining unit in the determination as to whether a hard disk drive exists (i.e., in fig. 21, respectively indicate "normal execution", "execution with job storage" and "storage area 8"), said activating unit mounts a RAM disk in compliance with the relation configured in said configuration unit (i.e., a step 137 stores the job data, received in succession to the command, in the RAM 22 or the DISK 30 shown in fig. 2, whereupon the sequence is terminated; Col. 9, lines 20-23, fig. 13).

Regarding claim 13, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said examining unit determines whether said hardware resource satisfies a predetermined performance requirement (i.e., an attribute value "start immediately" 305 indicates that the job process is started immediately with the job assignment. Thus the peripheral devices starts the job process without awaiting the input of the start command or the lapse of the predetermined time; Col. 11, lines 25-30, fig. 7), and outputs, in response to a

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positive determination, a normal value and outputs (i.e., Normal Execution 2301 designatable as job assignment start command attribute held by the peripheral device; Fig. 23), in response to a negative determination (Interrupt Execution 2302, fig. 23), an abnormal value as the result of the determination (i.e., an attribute value "interruption execution" 2602 indicates the execution of the job by interruption; Col. 18, lines 32-33, fig. 26).

Regarding claim 14, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

in response to receipt of the normal value output by said examining unit in the determination as to whether a central processing unit satisfies a predetermined performance requirement (i.e., peripheral devices starts the job process without awaiting the input of the start command or the lapse of the predetermined time; Col. 11, lines 27-29), said activating unit activates said program having the relation with said examining unit (i.e., the process shown in FIG. 8 is executed when the user activates the driver software, wishing to execute printing; Col. 7, lines 35-45, fig. 8),

in response to receipt of the abnormal value output by said examining unit, said activating unit does not activate said program having the relation with said examining unit (i.e., a step 84 acquires a list of attribute values settable as the attribute A, from the peripheral device shown in FIG. 1. A step 85 discriminates whether the attribute A can be acquired by the driver software, and, if acquisition

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is possible, the sequence proceeds to a step 86, but, if otherwise, the sequence is terminated; Col. 7, lines 20-25, fig. 8).

Regarding claim 15, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said activating unit (The process shown in FIG. 8 is executed when the user activates the driver software), in response to receipt of the normal value from said examining unit as the result of a memory check, activates said program related to said examining unit in said configuration unit (i.e., a view showing a memory map of a memory medium storing various data processing programs readable by a print system in which a print control apparatus is adaptable; Figs. 12, 17), and in response to receipt of the abnormal value from said examining unit as the result of the memory check, does not activate said program (i.e., if the step 149 identifies that the attribute value is not changeable, a step 152 executes a process of informing the driver software that the change of the attribute value has failed (an error response command transmission process), whereupon the sequence is terminated; Col. 10, lines 20-25, fig. 14).

Regarding claim 16, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said configuration unit (Fig. 2) configures the relation between said examining unit and one of a directory in which said program is located (The detailed configuration of hardware resources for a controller, fig. 2) and an upper

directory thereof (i.e., there may also be stored information for managing the programs stored in the memory medium, such as version information, author information etc., and information dependent on the operating system of the program reading side, such as icons for identifying the programs; Col. 25, lines 65-67 and Col. 26, lines 1-3);

said activating unit (The process shown in FIG. 8 is executed when the user activates the driver software, col. 7, lines 35-45), in response to receipt of the normal value as a result of the determination (i.e., Normal Execution 2301 designatable as job assignment start command attribute held by the peripheral device; Fig. 23), mounts the directory or the upper directory related to said examining unit (i.e., enable the information processing apparatus to designate, by a control command, the start mode selected by the user, such as a mode for starting the job processing; Col. 2, lines 9-12), and in response to receipt of the abnormal value as the result of the determination, mounts neither the directory nor the upper directory (i.e., the step 149 identifies that the attribute value is not changeable, a step 152 executes a process of informing the driver software that the change of the attribute value has failed (an error response command transmission process), whereupon the sequence is terminated; Col. 10, lines 20-25, fig. 14).

Regarding claim 17, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said examining unit (Controller 1, fig. 1) determines whether a

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predetermined identifier (Driver software, see Abstract / Fig. 8) of said hardware resource (Hardware resources 26-30, fig. 2) satisfies a predetermined condition (i.e., peripheral devices starts the job process without awaiting the input of the start command or the lapse of the predetermined time; Col. 11, lines 27-30), outputs a normal value in response to a positive determination (i.e., Normal Execution 2301 designatable as job assignment start command attribute held by the peripheral device; Fig. 23), and outputs an abnormal value in response to a negative determination (i.e., an attribute value "interruption execution" 2602 indicates the execution of the job by interruption; Col. 18, lines 32-33, fig. 26).

Regarding claim 18, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said examining unit (Controller 1, fig. 1) determines whether an identifier stored in an SD card (i.e., a step 171 holds the assigned job and waits until a start command with password from the user interface 6; Col. 14, lines 7-8, fig. 16) matches an identifier of a slot to which the SD card is inserted (i.e., the sequence proceeds to a step 172 for comparing the password entered by the user in association with the start command with password and the "job process start password" set at the job assignment; Col. 14, lines 10-13, fig. 16), outputs a normal value in response to a positive determination (i.e., a step 173 discriminates whether the two passwords match in the comparison in the step 172, and, in case of matching, the sequence proceeds to a step 174; Col. 14, lines 14-16, fig. 16), and outputs an abnormal value in response to a negative

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determination (i.e., otherwise, the sequence returns to the step 171; Col. 14, line 17, fig. 16).

Regarding claim 19, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said activating unit (The process shown in FIG. 8 is executed when the user activates the driver software, col. 7, lines 35-45) executes said program configured in said configuration unit as related to said examining unit in response to receipt of the normal value from said examining unit as the result of the determination (i.e., a view showing a memory map of a memory medium storing various data processing programs readable by a print system in which a print control apparatus is adaptable; Figs. 12, 17), and does not execute said program configured in said configuration unit as related to said examining unit in response to receipt of the abnormal value from said examining unit as the result of the determination (i.e., the step 149 identifies that the attribute value is not changeable, a step 152 executes a process of informing the driver software that the change of the attribute value has failed (an error response command transmission process), whereupon the sequence is terminated; Col. 10, lines 20-25, fig. 14).

Regarding claim 20, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said storage unit (Execution with Storing 2402, fig. 24) is a memory region

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(i.e., the attribute values settable in the "mode (job storage) designatable for the job assignment start command" held by the peripheral device. This information is stored in the ROM 25 or the DISK 30 of the peripheral device; Col. 17, lines 33-37) that said examining unit can directly access (i.e., there are listed modes designatable when the job issuing software assigns the job assignment start command to the controller of the peripheral device; Col. 17, lines 37-40).

Regarding claim 21, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein

said activating unit (The process shown in FIG. 8 is executed when the user activates the driver software, col. 7, lines 35-45) is activated by an operating system that is activated after the power of the image forming apparatus is turned on (i.e., there may also be stored information for managing the programs stored in the memory medium, such as version information, author information etc., and information dependent on the operating system of the program reading side, such as icons for identifying the programs; Col. 25, lines 65-67 and Col. 26, lines 1-3).

Regarding claim 22, Takeo '707 discloses the image forming apparatus (Peripheral device, fig. 1), wherein said program (A program controlling the controller 1 shown in fig. 1, col. 4, lines 35-40) further comprises:

an application program used for image forming (i.e., job data 52 are prepared from the data outputted from an application program (for example a text

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processing program, a table calculation program or an image data generation program); Col. 7, lines 43-46, fig. 17);

a control service program that manages said hardware resource used for the image forming (i.e., a controller 1 for controlling peripheral devices is provided with hardware resources as shown in fig. 2; Col. 4, lines 4-5);

an operating system (i.e., information dependent on the operating system of the program reading side, such as icons for identifying the programs; Col. 26, lines 1-3).

Regarding claim 23, claim 23 is the method claim of device claim 1.

Therefore, method claim 23 is rejected for the reason given in device claim 1.

Regarding claim 24, Takeo '707 discloses a computer program (A memory medium storing various data processing programs, fig. 17) that causes a computer (PC 1, fig. 3) having a hardware resource (Hardware resources 26-30, fig. 2) and a program (A program controlling the controller 1 shown in fig. 1, col. 4, lines 35-40) to function as:

an examining unit (Controller 1, fig. 1) that examines said hardware resource (a controller 1 for controlling peripheral devices is provided with hardware resources, col. 4, lines 4-5, fig. 2);

a configuration unit (Fig. 2) in which a relation between said examining unit and said program is configured (The detailed configuration of hardware resources for a controller, fig. 2);

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an activating unit (The process shown in FIG. 8 is executed when the user activates the driver software, col. 7, lines 35-45) that activates said program having the relation with said examining unit based on the examination (i.e., the process shown in fig. 8 is executed when the user activates the driver software, wishing to execute printing; Col. 7, lines 35-45).

## Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ito (US 2004/0046998) discloses image forming apparatus and program executing method in image forming apparatus.

Sawada et al. (US 2002/0091971) discloses image forming device and remote monitoring system for the same.

Hino et al. (US 7,312,882) discloses image processing apparatus, management unit for image forming apparatus, and program executed by image processing apparatus or by management unit for image forming apparatus.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALLEN H. NGUYEN whose telephone number is (571)270-1229. The examiner can normally be reached on M-F from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571)-272-7440. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/ Supervisory Patent Examiner, Art Unit 2625

/Allen H Nguyen/ Examiner, Art Unit 2625

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